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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,927	03/29/2007	Andrew ThoeIke	042933/392619	9109

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EXAMINER

KRISHNAN, NIKHIL

ART UNIT	PAPER NUMBER
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2196

MAIL DATE	DELIVERY MODE
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03/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,927	THOELKE ET AL.	
	Examiner	Art Unit	
	NIKHIL KRISHNAN	2196	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,802,590 to Draves (hereafter Draves).
3. Draves was submitted with the IDS filed 1/22/07.
4. As per claim 1, Draves teaches a method comprising
allocating a handle to a first process for enabling the process to use a resource allocated to a second process (col 7, lines 12-14: server process shares a resource with the client process by passing the handle/key pair),
arranging the handle such that the first process is not able to identify the resource (Abstract, lines 5-7; col 5, lines 13-20; col 7, lines 26-30: handle/key pair abstracts the resource into an hash index + encrypted key, controlled by the kernel),
and

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inhibiting further access by the first process to the resource after use of the resource by the first process, arising from the allocation of the handle, has been terminated (col 5, lines 62 – col 6, line 2; col 5, lines 50-51).

5. As per claim 5, Draves teaches wherein the resource is selected to comprise a file at least one of computing device memory, a semaphore, a mutex, a chunk, a message queue, a thread, a file, or a device channel (col 5, lines 29-32).

6. As per claim 13, it recites an apparatus comprising a computing device and memory configured to implement the method of claim 1. As such, claim 13 is rejected using the same art and rationale as in claim 1.

7. As per claim 15, it recites computer software in accordance with method claim 1. As such, claim 15 is rejected using the same art and rationale as with claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and applicant admitted prior art (hereafter AAPA) as disclosed in the

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application specification.

10. As per claim 2, Draves does not explicitly teach wherein the handle is arranged to enable a plurality of resources allocated to the second process to be used by the first process.

11. AAPA teaches wherein the handle is arranged to enable a plurality of resources allocated to the second process to be used by the process (p. 4, lines 1-2).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine AAPA with Draves because AAPA teaching of a handle enabling access to a plurality of resources would have been more efficient than a one-to-one handle-resource ratio.

13. As per claim 3, Draves does not explicitly teach wherein the handle is arranged to enable a plurality of processes other than the second process to use the resource allocated to the second process.

14. AAPA teaches wherein the handle is arranged to enable a plurality of processes other than the second process to use the resource allocated to the second process (p. 4, ¶2, lines 4-7).

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15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine AAPA with Draves because AAPA teaching of a handle enabling access by a plurality of processes would have been more efficient than a one-to-one handle-process ratio.

16. As per claim 4, AAPA teaches wherein the handle is arranged to enable a plurality of processes other than the second process to use the resource allocated to the second process (p. 4, ¶2, lines 4-7).

17. As per claim 16, it recites computer software in accordance with method claim 2. As such, claim 16 is rejected using the same art and rationale as with claim 2.

18. As per claim 17, it recites an apparatus configured to implement the method of claim 2. As such, claim 17 is rejected using the same art and rationale as in claim 2.

19. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and U.S. Patent 6,601,102 B2 to Eldridge, et. al (hereafter Eldridge).

20. As per claim 6, Draves does not explicitly teach wherein, when the resource comprises a file, the file comprising at least one of a trusted font file or a message attachment file for the second process.

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21. Eldridge teaches wherein, when the resource comprises a file, the file comprising at least one of a trusted font file or a message attachment file for the second process (Abstract, lines 10-13: token serves same purpose as handle; col 7, lines 5-12: token passed representing attached file of e-mail message).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of providing a handle for an e-mail message attachment file would have enabled secure, low-overhead e-mail messaging.

23. As per claim 7, Draves does not explicitly teach wherein the resource is located in a data cage within the second process.

24. Eldridge teaches wherein the resource is located in a data cage within the second process (col 4, lines 57-61: tokens may reference documents stored on the shared document server itself).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of a passing tokens for internally stored resources would have enabled secure sharing of documents on a document server by the document server.

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26. As per claim 8, Draves does not explicitly teach wherein the first process is selected to comprise a file server.

27. Eldridge teaches wherein the first process is selected to comprise a file server (col 15, lines 6-16: token allocated to secure document server, token representing document already allocated to the "issuer" process, token enables the document server to locate/transfer the document; see also col 12, lines 29-31 & 44-46).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of a file server receiving a token for a document would have enabled the file server to coordinate secure sharing between two other processes communicatively coupled to the file server.

29. As per claim 9, Draves teaches wherein the file server is arranged to indicate to a kernel of an operating system for a computing device that the file server is able to support the use of the resource prior to the allocation of the handle to the file server (col 5, lines 37-41; 46-55: client process indicates to the kernel that is able to support the use of the resource by passing a valid key to the kernel; kernel then allocates the updated handle to the process).

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30. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and Eldridge, and in further view of U.S. Patent 6,971,017 B2 to Stringer, et. al (hereafter Stringer).

31. As per claim 10, Draves and Eldridge do not explicitly teach wherein the said other process is arranged to terminate a communication session with the file server upon allocation of the handle to the file server.

32. Stringer teaches wherein the said other process is arranged to terminate a communication session with the file server upon allocation of the handle to the file server (Fig. 2: transactions 132, 208, 218, 220, and 224; col 7, lines 25-29: user A terminates session after transmitting signed token to the document server).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stringer with Draves and Eldridge because Stringer teaching of terminating the communication session upon allocation of the token would have reduced overhead associated with proxy processes that have already served their purpose.

34. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draves, U.S. Pre-Grant Publication 2003/0200436 A1 to Eun, et. al (hereafter Eun), and U.S.

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Patent 6,934,757 B1 to Kalantar, et. al (hereafter Kalantar).

35. As per claim 11, Graves does not explicitly teach wherein the second process comprises a parent process, the first process comprises a child process, and the resource comprises a kernel resource for an operating system for a computing device.

36. Eun teaches wherein the second process comprises a parent process, the process comprises a child process (Abstract, lines 1-3; [0076], lines 8-11).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eun with Graves because Eun teaching of handle inheritance would have ensured coordinated processing between child and parent processes.

38. Eun and Graves do not explicitly teach that the resource comprises a kernel resource for an operating system for the computing device.

39. Kalantar teaches that the resource comprises a kernel resource for an operating system for the computing device (Abstract, lines 1-7; col 5, lines 1-14: service domain is the kernel domain, handle points to data in the kernel domain).

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40. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and Stringer.

41. As per claim 12, Draves does not explicitly teach wherein the handle is provided as an anonymous instantiation of a server required to access the resource.

42. Stringer teaches wherein the handle is provided as an anonymous instantiation of a server required to access the resource (col 7, lines 29-37; col 8, lines 52-59: registered user A establishes secure access to the server, that can then be transferred as a token to anonymous user B).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stringer with Draves because Stringer teaching of anonymous instantiation would have enabled secure access by non-registered users.

44. As per claim 14, Stringer teaches comprising a wireless communication device (Fig. 2: Users A and B operate mobile computing devices 106 and 108).

Response to Arguments

45. Applicant's arguments filed 9/14/10 have been fully considered but they are not persuasive.

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46. The applicant argues that Draves fails to teach "inhibiting further access by the first process to the resource after use of the resource by the first process, arising from the allocation of the handle, has been terminated."

47. In particular, the applicant argues, "within the context of Draves, there is no 'inhibiting' being performed because the resource no longer exists to protect." The examiner respectfully disagrees with this interpretation of the claim language. Draves teaches granting access to the first process, and then inhibiting further access to the resource via complete prevention by deleting that resource and its entry in the resource table (col 5, line 62 - col 6, line 2; col 5, lines 50-51). Given its broadest reasonable interpretation, the limitation in contention requires access, and then a revocation of access. In the case of Draves, this revocation is accomplished by deletion of the resource (by the second process, the server process). It is noted that, in view of this claim construction and prior art teaching, the arguments with regards to handle reuse and table resizing (bottom half of p. 7) are not relevant. For the above reasons, the rejection stands.

Conclusion

48. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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49. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKHIL KRISHNAN whose telephone number is (571) 270-5590. The examiner can normally be reached on M-Th, 8:30 am -7 pm.

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emerson Puente can be reached on (571) 272-3652. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DIEM K CAO/
Primary Examiner, Art Unit 2196

NIKHIL KRISHNAN
Examiner
Art Unit 2196